

Order

Michigan Supreme Court
Lansing, Michigan

January 18, 2013

Robert P. Young, Jr.,
Chief Justice

144771, 144792

Michael F. Cavanagh
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack,
Justices

MICHIGAN INSURANCE COMPANY,
Plaintiff-Appellant,

v

NATIONAL LIABILITY & FIRE
INSURANCE COMPANY,
Defendant-Appellee.

SC: 144771
COA: 301980
Oakland CC: 09-104725-NF

MICHIGAN INSURANCE COMPANY,
Plaintiff-Appellee,

v

NATIONAL LIABILITY & FIRE
INSURANCE COMPANY,
Defendant-Appellant.

SC: 144792
COA: 301980
Oakland CC: 09-104725-NF

On January 10, 2013, the Court heard oral argument on the applications for leave to appeal the February 14, 2012 judgment of the Court of Appeals. On order of the Court, the applications are again considered. MCR 7.302(H)(1). In lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals and we REMAND this case to the Oakland Circuit Court for entry of an order granting summary disposition to the defendant. Pursuant to MCL 500.3114(1), the adult foster care resident injured as a pedestrian in this case is not a "relative" of the adult foster care corporation named in the insurance policy. Accordingly, the priority for payment of personal injury protection benefits rests with the plaintiff as the insurer of the owner of the vehicle involved in the accident, MCL 500.3115(1), and the Court of Appeals therefore erred by holding that the resident may be subject to coverage under the defendant's no-fault automobile insurance policy issued to the adult foster care corporation.

CAVANAGH, J., would deny leave to appeal.

HATHAWAY, J., not participating.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

January 18, 2013

Corbin R. Davis

Clerk